

## **REMARKS**

Responsive to the Office Action dated May 5, 2004, Applicants have, by the above amendments, cancelled claims 1-23 and added new claims 24-45 for consideration by the examiner. Accordingly, remaining in the application is independent claim 24 with its dependent claims 25-32; independent claim 33 with its dependent claims 34-43; and independent claim 44 with its dependent claims 45 and 46.

### **Discussion of Cited Documents**

The Office Action indicates that claims 1-23 were rejected under 35 USC §102(b) as being anticipated by each of Campbell, Hayase and Kaneko. New claims 24-46 recite one or more limitations not taught by the documents of record and are therefore believed to be allowable.

Campbell is directed to a suspension control system that monitors speed of the vehicle. The speed value is then used to select between sets of variables for use in calculations that, in turn, determine acceleration thresholds. Campbell does not teach at least a step of waiting until an acceleration acting on the vehicle decreases below a pre-determined level and thereafter continuing an earlier initiated leveling action. Rather, the acceleration thresholds are used to determine the appropriate damping factor for the vehicle damping members and the appropriate position/condition for gating valves within the suspension system. If the acceleration acting on a vehicle is above the calculate threshold, one damping factor is used. If below, another damping factor is used. The valve conditions are similarly controlled.

Hayase is directed to a suspension control system that uses a variable threshold value to limit the amplitude of vertical vibrations. The system in Hayase uses an acceleration sensor to detect acceleration in the vertical direction of the body. Hayase is not related to leveling actions and does not teach at least a step of waiting until an acceleration acting on the vehicle decreases below a pre-determined level and thereafter continuing an earlier initiated leveling action. Rather, Hayase counts the number of times the air springs are controlled and changes the acceleration threshold to minimize the number of times control of the air springs is required by the system.

Kaneko is directed to a suspension system that varies the height sensitivity range based upon the acceleration level acting on the vehicle. Where the acceleration acting on the vehicle is greater than a threshold value, the system utilizes a wider height

tolerance range. If the acceleration is less than the threshold value, the system utilizes a narrower height tolerance range. Kaneko does not teach at least a step of waiting until an acceleration acting on the vehicle decreases below a pre-determined level and thereafter continuing an earlier initiated leveling action.

Additionally, none of the documents of record teach at least the use of a first threshold value in cooperation with a second threshold value that is less than the first threshold value. What's more, none of the documents of record teach at least a step of waiting until a vehicle acceleration value that has exceeded the first threshold value returns to a level below the second, lower threshold value. Furthermore, none of the art of record teaches at least a step of waiting until the vehicle acceleration value has been below the second, lower threshold value for a pre-determined period of time.

#### The Office Action

Additionally, paragraph 5 of the Office Action directs attention to Shono, which was not cited against any of the originally pending claims. This paragraph of the Office Action, however, does state that the teaching of Shono "corresponds to one of the objects of the instant invention set forth on page 2, lines 1-4 of paragraph [0005]" of the subject application. Applicants respectfully assert that paragraph [0005] of the subject application merely discusses one disadvantage of known systems, and is not to be construed as an object of the present invention as suggested in the Office Action.

#### **CONCLUSION**

It is respectfully submitted that the foregoing amendments and discussion are fully responsive to the latest Office Action and that the claims patentably distinguish over the art of record for the reasons stated. Having addressed all of the outstanding objections and/or rejections, the subject application is now believed to be in condition for allowance. Reconsideration of the claims and an early notice of allowability are earnestly solicited.

Alternatively, in the interests of compact prosecution and advancing this application to issue, Applicants respectfully request that the Examiner telephone the

undersigned to discuss any of the foregoing.

Respectfully submitted,

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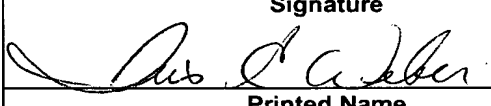
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